

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN
DIESEL” MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 15-md-02672-CRB

SEALING ORDER

This Order Relates to:

ICONIC MOTORS, INC. V.
VOLKSWAGEN GROUP OF
AMERICA, INC., No. 17-cv-3185-CRB

Plaintiffs move to file under seal several documents in support of their Opposition to Defendants’ motion for summary judgment: Exhibits A–D and F–G to the Declaration of William Slevin, Group Exhibit E to the Opposition, and portions of the Rule 56(d) Declaration of Joshua Calhoun. See Admin. Mot. to Seal (dkt. 8252). Plaintiffs have established that the exhibits to the Slevin Declaration and the Rule 56(d) declaration contain confidential business information that could negatively affect Plaintiffs’ business. See Calhoun Decl. (dkt. 8252-1) ¶¶ 5–6. This is sufficient to warrant sealing of those documents. See *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (“sources of business information that might harm a litigant’s competitive standing” may properly be sealed). Accordingly, the Court **ORDERS** those documents sealed.

As to Group Exhibit E to the Opposition, which is Bosch’s responses and objections to Plaintiffs’ requests for admission, Plaintiffs merely state that this document is “considered to be ‘Discovery Material’ pursuant to Section 2.5 of the Protective Order and [is] presumed to be ‘Confidential Information’ pursuant to Section 2.2 of the Protective

Order.” Id. ¶ 7. In the context of a dispositive motion, however, the mere fact that a document is covered by a protective order is not grounds to seal that document. See Foltz v. State Farm Mut. Auto. Ins. Co., 331, F.3d 1122, 1135–37 (9th Cir. 2003). Plaintiffs motion to seal Group Exhibit E to the Opposition is therefore **DENIED** without prejudice to Plaintiffs providing specific grounds to seal or redact Group Exhibit E. See id. (requiring “compelling reasons supported by specific factual findings”).

IT IS SO ORDERED.

Dated: February 18, 2025



CHARLES R. BREYER
United States District Judge